

**Steering Committee Minutes  
March 27, 2004**

**Steering Committee Members**

Margarette Morgan	Bonsall
Chuck Davis	Bonsall
Donna Tisdale	Boulevard
Larry Johnson	Campo/Lake Morena
Tim McMaster	Crest / Dehesa/ H.C.
Jo Ellen Hucker	Descanso
Jim Russell	Fallbrook
Gene Helsel	Julian
Rick Smith	Lakeside
Gil Jemmot	Twin Oaks
Vern Denham	Pine Valley
Gordon Hammers	Potrero
Sam Mitchell	Ramona
Lois Jones	San Dieguito
Jack Phillips	Valle de Oro
Sandy Smith	Valley Center

**Planning Commissioner**

Bryan Woods

**Staff**

Gary Pryor, Director  
Ivan Holler, Deputy Director  
Tom Harron, County Counsel  
LeAnn Carmichael, Regional Planner  
Bob Citrano, Planner  
Dahvia Locke, Planner  
Larry Hofreiter, Planner

**Public**

Terry Garden  
Charlene Ayer  
Bob Stuart  
Lucille Good  
Larry Johnson  
Dutch VanDierendonck  
Jan VanDierendonck  
Pat Uriell  
John Stewart  
Mike Thometz  
Larry Glavinic  
Bob Smith  
Carol Angus  
Julie Bugbee  
Mary Allison

**Meeting commenced at approximately 9:10 a.m.**

INTRODUCTIONS.

**I. ACTION ITEM: Minutes**

**Woods:** Review minutes from November 23<sup>rd</sup> and January 24 2004 meetings. Are there are any corrections and/or revisions?

**Jemmot:** It probably occurred during the audio difficulty on page 10, but I had asked about progress on covering or replacing the urban limit line. And there was response that there would be something in place by next meeting.

**Woods:** We do not have that in place for today's meeting. Today we will be talking about Conservation Subdivisions.

**Jemmot:** I understand. I'm just correcting the minutes.

**Woods:** So noted. Any others?

**Mitchell:** I noticed in the "public" here, Patrick Uriell's name has been omitted. Also, there's references made from time to time here about a November 23 meeting 2003. There was no such meeting. That was a Sunday. That needs to be corrected. That meeting was held in 2002.

**Woods:** Okay. Any others?

**MOTION:** **To approve November 23 and January 24 Minutes. Do I hear a second? It's been moved and seconded to approve with corrections and additions as stated. All those in favor? 10. And those oppose? 2.**

**Phillips:** Let me give you my rationale. Those aren't really minutes of that meeting because the group was divided into three sections and we can't do those minutes, because we don't have recorders on what went on in all three sections. And so, I don't even consider those minutes of that meeting. Just as I hope you don't propose we split this group from a round-table discussion into three sections again on this topic.

**Woods:** Okay. Your comments are noted.

**Hammers:** I'd just like to take exception to that because I had a chance to speak in the sub-group. Whereas, we don't always get a chance...

**Woods:** We might as well just meet this head-on. We are going to split into groups today. And I think it was very beneficial; the comments we heard were exactly like the ones Gordon just stated. That it is very beneficial that especially geographically, with similar communities, that we can have a lot more information on the floor that we bring together when we come back together...

**Phillips:** I believe we should vote on that issue.

**Mitchell:** I do too. I don't think the break out groups do anything to unify this group nor do they do anything to complete the 2020 plan or Conservation Subdivisions or whatever we're working on. We have staffs interpretation coming back on what comes out of the groups. Not the groups interpretation, but staffs interpretation.

**Woods:** I think we did enjoy comments from each leader of each group. That were therefore reviewed and understood as they remain. I'm a firm believer in the benefit of having different people come forward in these groups and express their opinion about their geographical areas. Lets go ahead, its an agendized item, but in fact if your passionate about putting it on the table for a vote, lets. If in fact you would like to vote on whether or not breaking into groups is a positive thing that you would like to do today after the discussion of the first two items on the

agenda, in order to create or discuss, we can certainly do that. Do I hear a motion whether we should or should not [break into subgroups]?

**Hammers:** I think we should break into groups, because everybody in our group participated. And we heard from people we don't normally hear from. To me, whether something is applicable in the backcountry it is not necessarily applicable in Spring Valley and Valle de Oro, etc. I think they have their points, we have our points, and these need to be the different options that are available in the overall plan.

**Woods:** Is that a motion?

**Hammers:** Yes.

**Woods:** Do I hear a second? Okay we have a second. And Gil you had a comment.

**Jemmot:** I believe that if we are going to break into subgroups there should be minutes of each of those subgroup meetings. I believe there was too much lost in the condensation.

**Woods:** I think that would be a good recommendation.

**Hammers:** I'll include that in the motion.

**Woods:** Alright. Any further comments before we call for a vote?

**Johnson:** With the breaking into subgroups what are the issues? Are we going to go through the same process we did... the same things we things we did last time? What are we going to do with subgroups? I thought it was beneficial last time but I'm not sure that I see where we're going...

**Woods:** We're going to discuss as a group, before we break into subgroups, the two major issues of today, which will be remainder parcels and yield reductions. So we will speak as a group on those. And then the working groups will go over minimum lot sizes, open space lots (or minimum open space lots), and acceptable uses for open space. And then come back together and share those thoughts from the four subgroups that were created. So the two tough ones that I see up for discussion will be discussed as a group. And then the individual ones, which will be more specific geographically and characteristically of each community, will be in the sub-groups. So I think staff has come up with a very workable solution, given everything on the table and the opportunity for everyone to speak.

**Phillips:** Well, what you say is fine except I think we need, since the agenda doesn't say what the issues are, I think that we need to talk about a major issue being whether or not conservation or clustering subdivisions should be allowed by right as a basic major issue. Which then leads to all of the other issues. I think probably that is the first thing that needs to be decided.

**Woods:** I think staff is prepared to discuss that and I am not adverse to that suggestion. However, we do have a motion on the floor on whether or not to break up into

subgroups, so I'd like to proceed with that. Do you have a final comment on the motion, Sam?

**Mitchell:** Yes. I think breaking up into groups may be a fine thing in some situations, but I don't think it's a fine thing here. I think we need a complete exchange of ideas between all these people sitting around this table and then let them decide, rather than have them broke into groups and have A, B, and C make different decisions, bring it together and then we have staff interpretation of it. I want group interpretation of it, not staff interpretation. We are elected to advise the Planning Commission and the Board of Supervisors, not to approve what somebody else comes up with. And that's what we've been used for lately. We're being used to approve the special interest ideas, not what comes from the Planning Groups.

**Woods:** Okay, any other comments before we take a vote? The motion is to affirm the direction to break into sub-groups after the two major issues are discussed as a group after the break, and to keep minutes, formal minutes of those discussions.

**Johnson:** There've been about 40 days or more passed since we last were here. And I think some of the comments are very apropos for letting the whole group see what some of the various groups have come up with. I think just about all the planning boards have met and have said something and given their chairs something to bring back to the group. And it might be interesting, maybe, if we could condense that piece of information and bring it down to a minute in a half or so, and maybe we could just go around to see what's there; prior to getting out into subgroups and seeing what they're going through. This might be a quick way for everybody to see where everyone else is, and everybody would have heard it, prior to going into subgroups.

**Phillips:** If we are going to do subgroups, than I think an important key-part of that is those subgroups have to come back and report to the group in general.

**Woods:** We do have a very tight schedule. What I'd like to do is when we get into discussion we are going to limit discussion and comments, so that we do get through the schedule and agenda. It's going to be a tough agenda to finish, but I believe we can at least get to a point where everything is on the table.

**Russell:** (to Phillips) I just want to say that what you just said is absolutely not true. When we were done with subgroups, the whole group came back together and everything that was presented in those subgroups was presented to the whole group. So if we're going to vote, lets at least have valid information in front of us.

**Phillips:** I have to respond to that. The facilitator of that group did give a report but we, at that point, did not discuss those results as a group. So that's the key that I see is important at this point. That when that summary comes back- we around this table get to comment on each of those summaries. And I think that's the important piece that we didn't get to last time.

**Jones:** I'm not sure about the minutes being accurate and reflective in terms of what happened in the subgroup; however, I do feel that a lot was accomplished in the

subgroups because it gave everyone an opportunity to make a comment, it also helped bring out some of the issues that might not be brought out in a larger group. I think that part of the dilemma we ran into was that we ran out of time when we were trying to summarize. It isn't that they weren't going to summarize, it's just that we ran out of time, so they rushed right through it. But, ultimately, I think a lot is accomplished in the smaller venue, than is in a larger group. And its how you review with the larger group that what makes it important.

**Woods:** Okay. I'm going to call for a vote.

**Motion to affirm the direction to break into sub-groups after the two major issues are discussed as a group after the break, and to keep minutes, formal minutes of those discussions, and to report back to the entire group the summaries, after the sub-groups have agreed on the summaries.**

**9 In Favor**

**5 Oppose**

**2 Abstain**

**Motion passes.**

**Woods:** Okay, we will continue with the agenda.

**Denham:** The reason for my abstention is because I was not here at the last meeting so I have no comments.

**Woods:** I understand.

**Hucker:** Mine is the same reason.... I don't have any experience with this on which to base my vote.

**Woods:** Our last meeting on the 24<sup>th</sup> we discussed the issues today, on Conservation Subdivisions. The Interest Group's proposal was presented, and then we broke into groups, had those discussions, and then shared the results. Today, as by our vote we are going to take minutes, and have discussion, hopefully after the results of the subgroups are on the table. So today, we are going to begin with the two major issues on the table, which will be remainder parcels and yield reductions.

**Phillips:** Your not including what I asked you too.

**Woods:** Excuse me, Jack?

**Phillips:** You're not including what I asked you too. And we need to vote on whether your going to include what I asked.

**Woods:** Well, first I'd like to have staff discussions on what's going to be on the table. And then we can go ahead....

**Phillips:** No I asked that you include, as a major issue, the by-right-issue.

- Woods:** The by-right issue will be part of the staff discussion. So if you have a problem at that point, it will be subject to discussion at that point.
- Jones:** Wouldn't it be easier to have the Planning Groups' position on that before staffs' discussion?
- Woods:** Do you want to start out with a discussion from the Planning Groups on their results from their individual meetings?
- Jones:** Yes.
- Woods:** Alright. Is that okay with everyone?
- Mitchell:** Absolutely. Bryan, can we set a time when we can come out of the groups and come back here around the table so we have adequate time to discuss this material before we go on with anything?
- Woods:** We will. What we'll do once we start the group is that we'll define the time that's left- time for discussion, and time for sharing the results of those discussions. So let's quickly, in one minute in a half, tell us what your Planning Group did.
- McMaster:** At our last Planning Group meeting, I reported on the activity of the Steering Committee and on the unresolved issue of Conservation Subdivisions. The Planning Group's position is that it does not support land use designation SR2 through SR10 as stated in the criteria. The issue of remainder parcels were discussed. The Planning concept of remainder parcels should be eliminated for subdivision policies of General Plan 2020. We did not discuss the maximum footprint or open space requirements.
- Smith, Sandy:** Valley Center Planning Group directed the GP2020 sub-committee to work on this, so we met on February 19. And we felt that the first thing that needs to be done is to identify biologically sensitive lands within each community because that is really what we are trying to protect with Conservation Subdivisions. That should come first. And that Conservation Subdivisions should be mandatory for adjacent properties that are biological resources, wildlife linkage corridors of significance, regional significance, or protected land of biological importance. They should be mandatory for those areas, and do not allot square foot by right in their areas. They shouldn't be able to be done in an orange field just because somebody wants to save money. But if it is protecting the habitat, then it needs to be done. We want to encourage a diversity of lot sizes and shapes, and in order to do that the minimum lot size of a Conservation Subdivision should be no smaller than 5 times the footprint of the main dwelling on each lot, and in no event less than 1/3 of an acre. So we don't want big box houses on small lots, we want lots of open space around the home. We feel that the one-size formula does not fit all. The formula that determines the minimum lot size, the maximum development footprint, the percent of open space- should be chosen from a range that is decided in each Planning Group and that is also chosen on an individual project basis. The open space potential uses list needs to be further defined. We really had some problems with what would be okay with the use of open space, but need not only to be discussed further, but also need to be categorized by what

the project is. So, kind of in general, we just didn't feel like the one formula fits all. Not only should it be designed for each Planning Group individually, but it should be designed for each project as it comes forward. Not just a magic number. And finally we agreed with Tim's group- we decided that RPO should not apply using a Conservation Subdivision because that was kind of the carrot for the developer, so we were fine with eliminating RPO's if somebody was going to do a Conservation Subdivision.

**Jemmot:** Our group voted to support Jack Phillips letter. I was also directed to write a letter of which I put copies out on the table, but if you didn't get one please let me know. Our group was against by-right Conservation Subdivisions. Our group felt the communities should be able to opt out all or in part, that there should be no mandatory participation for any of the parcels, and that it should be voluntary. We felt there should be no loss of the steep slope density reductions; there should be no remainder parcel; the minimum parcel size should be determined by the local community, and again, one size does not fit all.

**Tisdale:** On Thursday night, the 25<sup>th</sup>, there was general support for Jack's letter. There's no support for remainder parcels, or density incentives by right. And the motion was to reject Conservation Subdivisions on the basis that it takes away local control. Each subregion should be dealt with individually at the local level.

**Hucker:** We kept it quite simple, and our motion was simply there was not enough information to make a sound judgment on Conservation Subdivisions. And primarily the reason why we came to that conclusion was because we have no guarantee whatsoever on what's going to be done with that open space. So, now, some of the members in my group have this, they are studying it, and we are going to make a concentrated effort to come back especially after the information I receive from this meeting to come up with something more definite.

**Denham:** In Pine Valley we discussed this at length at our meeting. And I'll read here from our minutes, and a couple of things that were asked were: Who was liable for open space? And for how long? And what is the definition of "open space"? We have different definitions for what "open space", or "protected space" is. Also, what is okay for an imported water area may not be anywhere near correct for a groundwater dependent area such as Descanso, Pine valley, and the east over there. And then directly from our minutes, here: "Concerns that requiring all new development to be clustered would not fit the community character. This should be optional." In Pine Valley, you'll notice, we do not have clusters. Everything is individual lots. Most people who move up there want to have a horse, they want to be able to park their motor-home on the street- stuff like this. So, a lot of this would depend on the size of the lots. Secondly, allowing remainder parcels as a future landbank with no current density provides no assurance against future development. A red-flag went up there. Open space lots should be for passive recreation use and should not include septic systems or water tanks. We also have concerns over who would own open space lots and how easily open space easements could be removed.

**Smith, Rick:** Lakeside Community Planning Group had the benefit of the entire packet. I provided each of my Planning Group members a copy of that several weeks

before we actually heard it at the meeting. So, I think all of them had an opportunity to read it, digest it, whatever. The item was placed on the agenda and the item was open on the agenda. I had a motion in less than two minutes. The motion was to not support Conservation Subdivisions in 2020 in any way, shape or form. That motion passed, with 12 members present with a 12/0/0 vote. There is also a list of about 8 or 9 bullets that I'll share later.

**Jones:** I had the luxury of having a tape, a music tape, after 45 minutes of its redundancy I had to ask the fire chief to turn on the fire alarm to wake everyone up. But we did go into discussion, we didn't take a position, but some of the concerns that were brought up was that there was a concern with Conservation Subdivisions, how the determination of the number of dwelling units is allowed. Slope analysis was a great concern- as to whether or not that was going to be considered during that determination. Remainder parcels, of course, were of great concern because there's no determination in terms of what's going to happen with that. Suburban vs. Rural was a big concern. They felt that Conservation Subdivisions tend to be more suburban, and in our rural environment it doesn't work very well. We have a project now, over in Cielo, that got passed and it is separated from Elfin Forest which is the real community it belongs to because it is too suburban in the rural environment. They will be two different communities by the time it's built. There were a lot of questions about that open space remaining in perpetuity. We didn't feel there was a good guarantee that the "in perpetuity" was going to happen with regard to open space. The last comment was on the tape itself, and they wanted to know where all the nodes of forest are in our county.

**Johnson:** Campo/Lake Morena met March 22, 2004, and thanks to Aaron and Dahvia we had handouts and information available when Dahvia came and presented and answered questions to our group. And we had about an hour set aside in the meeting to discuss it. After the discussion and presentation and so forth, we deemed it was not very incompatible with our community character plan. We don't like the remainder parcel concept- we think that will present problems in the future. We don't like the common open space. Open space is nice, but in this use it presents multiple legal problems, and takes away the individuals use and control of the property that we think the individual should have. As far as lot size we think, especially in the backcountry, that if a person buys what would be a 20-acre parcel, they would like to have use of the 20 acres. And then, especially, we don't like the density incentives. On the contrary. We want to keep the density reductions due to slope, and floodplains and wetlands and so forth. So we don't like to be asking someone to come out and create new homes, there. We have lots of lots there, already. We'd like to keep the reductions in place. As a result of those discussions and answers and so forth, our Board voted unanimously to reject the Conservation Subdivision because it is just not compatible with the backcountry.

**Hammers:** In Portrero, I've never seen an issue boil the blood of my group the way this one has. Historically, the property owners have been the best stewards of the land. And, the land out there is pristine today because of the property owners and the way they've taken care of it and have let it flourish. The idea of having to put property into a conservancy of an undefined nature, bothers our people. They want to know what the conservancy's can do with this property, who is going to make sure that CC&R's go on there, and where the mechanism is to make sure



CC&R's get on there. It's too open ended, whereas the property owners have done a good job of being good stewards of the land. One of the biggest questions I had was, "What is the basis for this?". I can sell 40 acres and say, "Okay, there is some good logic behind 40 acres". But when you get into 80 acres and 160 acres, it's all emotional. This is ideological, it's not based on good science, it is strictly somebody's idea of trying to create a utopia. It's not based on groundwater. Nobody can show me 40 acres in our area, where you can't find enough water to build a house (unless somebody, wants to build right on top of a mountain). By the way, I have and I have enough water. My well is 600 feet deep, but I have plenty of water. I cannot justify to my community, an 80 acre or 160 acre lot, I cannot give them any reason why that should be forced down the throats of a property owner. This remainder parcel, totally undefined, totally rejected. The Conservation Subdivision, they said, well, it may be okay for some communities, but was totally rejected for our community. You know, if they are going to be forced to have an 80 or 160 acre lot, that's bad enough. To now say you have to give 90% away to some undefined conservancy, that's obscene. Just absolutely obscene. And my people wanted absolutely nothing to do with it, they say it's not for our community- maybe for other communities it's fine, but not for our community.

**Morgan:** We too had the pleasure of seeing the tape of min-yawns. And we all came to the conclusion that it did not appear to be the right thing for our community. I would like to thank the work from Twin Oaks and Valle De Oro for bringing forth a lot of good ideas. Our sponsor group met. Each member was given a summary sheet, they took it home, they read through it, they called me and gave me the input of each member. What they came up with was: How do we pay for the environmental open space and its maintenance? Will the name "open space" be confused by using it for both environmental as well as agriculture? Remainder concept was not accepted by our community or the sponsor group members. This brought up concerns of clustering development in the future without addressing infrastructure problems. Septic systems and their impact on our creeks and rivers and our community have yet to be addressed with any buildout. This proposed concept is just passing the problem on to the future and not addressing planning now, or in the future as well. We have concerns with the concepts of clustering regarding the urbanization in our community, our proposed 2020 design for the General Plan focuses on estate lots, horses and agriculture. How will this support our goal, by urbanizing? Remainder parcel was not accepted by anyone and we will opt out of this concept if it doesn't meet our General Plan design. Several members are now concerned about our ridgelines, and how they will be protected within this concept. No mention was made regarding steep slopes or floodplains. With the summary of 12404, the group would like to include the following comments in regards to Bonsall: 1) Eliminate the remainder, 2) Minimum requirement at 2 acres and a range of open space to this minimum requirement is based on a formula to be determined, similar to what Valley Center was talking about, and 3) How will agriculture and open space lands use be compatible with urban development?

**Helsel:** Julian was also provided with the working copy of the members of the group to review the working copy we were given here, and we met on this. We didn't take a vote on Conservation Subdivisions overall, but we did have specific points that we brought out. Generally, we felt the lot sizes were too small and that this

formula based, cookie-cutter idea may not apply to all areas and that the communities really need flexibility in determining lot sizes. Secondly, it felt there was too much open space- 70-85% in those less dense areas. And really, open space should be based not so much on a formula, but really on the identification of natural and environmental constraints. The group felt there should be no remainder parcel and that should be put into open space. There should be no density incentives. The group felt the reduced cost of infrastructure made up for any density incentives. We also felt we should keep the yield reduction for slopes. That was very important. Some issues and questions were raised- one that we haven't talked about yet were the uses of open space. What uses will be allowed and how it will be determined? I felt the communities should have the majority input into the uses of open space. An overall concern was that Conservation Subdivisions may not fit into rural areas such as our own. And that really, the adoption of any type of Conservation Subdivision should be left up to the community and it should be judged on a parcel by parcel basis. We also felt, that it should not be by right. It should be by the communities' desire. And that any Conservation Subdivision should be part of a community plan. It should not be isolated, but should be incorporated into the overall vision of that community and any adjacent land uses. Also, who would own the open space land, manage it and be responsible for it? My job now is to come back to our next meeting and maybe at that point with the additional information we'll take an overall position on the use of Conservation Subdivisions.

**Phillips:**

Well, I don't have to say much because I've already said it in the letter to each Planning Group. I will add to it a little bit. I won't even address the staffs' response because it would just create more argument, but when you look at the chart- and I've given this to all our Planning Group members- when you look at the chart that was part of the basic hand out, a lot of people think that the specified minimum open space lot and the mandatory aspect of it from 1du/10 acre to 1du/160 acre, may create a "Taking" issue. And I'm sure County Counsel would argue that either one side or the other right now, but its not what's argued right now, its what's to be argued in 2020 when the remainder parcels are slated to be considered for more development. And I think I've made the case on the remainder parcel in here, but I've left a lot unsaid in this. And when you have a person who has 500 or 600 acres out there, and tell him we are going to take 90% of the property but you can develop all of the lots, but you can develop all of the lots that you would develop at the larger lot sizes automatically- even if we agreed with that now I think when this went to hearing at the Board of Supervisors, that this would never get through the hearing process, that these numbers, while the environmental community is feeling, "hash, this is the coup d'état", when the Board of Supervisors got through with this, those numbers would be a lot lower because without an environmental rationale, as so many of my colleagues have brought up, you really can't justify that Taking. You can't justify it based on, "Well, it would be scenically nice". You have to have, something other than, "We are going to preserve our backcountry, and we're going to take 90% of your land as an open space set aside". So, I think its very high sounding to the environmental community, but I don't think it will ever get off the ground and we have to protect ourselves from that. Because the by right aspect of this is something the Board probably wouldn't give up. And we would be stuck with clustering subdivisions requirements, that preserve a lot less than what we're looking at here. This is just my opinion based on a lot of experience,

going to Board hearings over at least four different Boards of Supervisors, and consistently I believe these things will fall by the wayside at the last minute. And when the environmental community thinks their going to be getting all of these set asides in the back country without having a solid, defensible rationale- they're not going to get it. So it comes down to an issue, with us, of "Should you support clustering by right?". That's the hardcore issue here. And we've approved a lot of clustered subdivisions, in our planning area in both estate and non estate areas. I want to emphasize that we've approved them, but it was based on major use permit findings, where you look for compatibility with all of these issues, i.e., "Is it going to harm the neighbors?". And in a lot of these cases you need to look at the farming and ranching neighbors, what's the effect going to be of putting all these small (and I consider ½ acre to be pretty damn small, 1 acre is small, even 2 acres can be small in certain rural environments)- of putting these right up against cattle farming and chicken ranches, or whatever happens to be going on in the rural world? You're going to have two completely different kinds of people living out there and the ones with the most population and the loudest gripes are going to win. They're going to get the County's attention.

**Woods:** Jack, can you summarize?

**Phillips:** Yes, in summary that's why I think its so critical we say that this comes back to a use permit type of environment, and then you address all of these favorable issues on both sides of the fence. Or you address whether it should be done at all on a certain parcel. So, the concept that's presented here is what we object to and that concept is doing it by right.

**Ferguson:** A couple of years ago Spring Valley voted to reject the entire GP2020 process, and I think you can all see why today. This is another example of many, many. We asked the Department of Planning and Land Use to respond to the map they subjected us to and to other things, and we've never been able to get a response. So about two years, ago- and we've reaffirmed it many times since- we just voted to reject the entire process. And so I'm just here to vote no as a protest, in the hopes that some of the others will see it the same way, so far "no", but until this thing dies in a few years I'm just going to keep voting "no".

**Mitchell:** In Ramona we also rejected the 2020 process, we considered our stand on it and rejected it. Also, this meeting we had having to do with Clustering, the motion was that the Planning Group does not support any by right clustering- clustering should be by merit, on individual projects, on a project by project basis, allowing the community to preserve what it values, its rural character in its specific region. The motion passed 10 to 3 with 2 absent. The reason why, of course, was that the lot sizes in Conservation Subdivisions would eliminate the integrity of the rural and semi-rural lot sizes, replacing them with small suburban lots. Clustering as proposed would require sewer extensions, encouraging further development which would also be clustered. There's still a problem, of course, with fire issues that are unresolved in the unincorporated areas. Conservation Subdivisions would also require fire services. We also felt that the proposal was not truly conservation clustering, we had some other thoughts about that. An overlay of constraints such as floodplains and steep slopes should be applied, as promised, consistently over the unincorporated areas during the planning process. And we've turned down the by right clustering and Conservation Subdivisions

completely. Now, we've all gone around here and talked. What you've heard here today should send a loud and clear message, and what I'm going to ask is if the representatives of the people of these different communities will prevail? Or will the Special Interest Group prevail? Will the key factors be the community character over yield? Or will the communities be destroyed so others can enrich their bank accounts? If you follow what you've heard here now, you'll be back to following Policy I-1- which is what you should have been doing in the first place and haven't been doing since this Special Interest Group has been formed.

**Woods:** Okay, that's it. At this point I think the by-right issue is something we ought to have some discussion on.

**Holler:** I'll go ahead and try to address this issue of by right, with just a little bit of background. First, I'd like to reiterate, what we originally presented was an Interest Group proposal. And our original request, which remains our request, is to have the Steering Committee and each of your community Planning Groups, evaluate that and come back to us with recommendations on what could end up as a Steering Committee proposal. The work done by the Interest Group was not tailored by community, as I heard a number of comments today. But that's the whole purpose of why we're bringing it to you... to hear back from you and get your comments on it. On that continuum, there are a number of options available to you. One could be that you like the Interest Group proposal, and want to recommend that you support that. Now, I say that, understanding that, I've just heard all of your comments, but I'm just pointing it out- it's on one end of the continuum. Then, on the other end of the continuum could simply be an opportunity to just say, "No, we don't want it at all" and I've heard a lot of those comments. But, somewhere in between those two could be a proposal that would come back from this group that also might include tailoring by community. So those are essentially the options you have available to you. I would like to remind you that the Board of Supervisors did take an action with respect to decoupling lot size from density. As many of you are aware, or maybe all of you are aware, today our zoning ordinance ties minimum lot size to the associated density of many of the designations. But the Board did take an action that said it was their intention to decouple those things. And some of the problems I'd like to remind you associated with the one to one relationship, are that you get a lot of goofy subdivision maps as a result of it, with very unusual shaped lots, with chased lot sizes up the side of a hill, and you end up with very long, narrow lots. And I've heard comments from a number of groups that have concerns about that. So, I think there are a lot of things to consider as we move through the process here. We are talking about, essentially, a zoning ordinance function. I understand this is in the context of our General Plan update, but this has really now moved down into zoning ordinance issues. That's what Conservation Subdivision is discussing- minimum lot sizes, things like that are a function of the zoning ordinance and things like that may, most appropriately, differ by community. One of the other options, and I'm going to get back into the by right, but one of the other options could be the use of variable lot sizes that ultimately could be tied to subdivision design standards- not architectural controls, as much as subdivision design standards. So there are a lot of options available.

Lets talk now just about a by right application of this, that has been so often mentioned. The way the Interest Group structured their proposal was to say that the use of Conservation Subdivisions, I believe up to densities of 1 home per 10 acres, was a voluntary application, not a mandatory application, however in densities lower than that they did propose that the application of this would be mandatory. So that's certainly one issue, and I know I've heard concerns from Gordon and others, about the mandatory aspects of that. So there are three options that might be available. One is a conventional subdivision, with larger lot sizes, and all of you are most accustomed to that. One would be some reduction of lot sizes that would correspond to the decoupling action the Board took, but certainly might not be as low as some of the minimum lot sizes you've seen in the Interest Group proposal. To further reduce lot sizes then, you could require a rezone. For example to be able to reduce lot sizes to the extent that the Interest Group proposed. So once again, there is a continuum of choices. Today, Jack mentioned the use of a use permit to get you to a PRD. A rezone to further reduce lot sizes is another mechanism as opposed to the use permit which is what most of you associate with a PRD. When you talk about a by right application of this, I think it is important to remember by right may not address concerns of individual communities. So that may be something that may be considered- a particular community might be supportive of a reduction in lot size to a certain extent, but perhaps not to the extent as illustrated in the Interest Group proposal. So "by right" might be too broad a term as we move forward with this. Finally, I'll close my comments by saying that one of the other options I've alluded to would be a discussion where, since these things reside ultimately in the zoning ordinance, maybe there is appropriateness to tailoring these things by community. And that might be a discussion that could best occur, first here, but ultimately, back at the local Planning Group level.

**Woods:** So, I'd like to take comments on Ivan's discussion on this issue. And I want to limit this to one minute at a time, I don't want dissertations. Let's keep them succinct and let everyone have an opportunity to speak as a net result.

**Smith, Sandy:** I think when I think of the term by right, I look at it from both sides. I think the community actually has a right to protect what is important to us. And what's important to my community is biologically sensitive areas. And in those areas we want to have Conservation Subdivisions, and we are working with some people now under the current process to make that happen. So we like that. But at the same time, I don't want, and I don't think our community wants, somebody to come in and convert a 60 acre orange grove, which has absolutely no biologically sensitive value, to be able to do Conservation Subdivisions just to save money. So, that's the other side of by right. The developer is making a deal by selling it by right, thinking, "I can do this because its voluntary, I'm volunteering, the community can't stop me". We will stop [them]. In those cases we would want them to stick with whatever's on the ground- 2 acre, 4 acre- whatever it is. So when I think about "by right", we want to use it when it works for us, and that's purely to protect our wildlife corridors and our sensitive habitat. We've got a lot of it in Valley Center and it's on the table to be getting eaten up, we're looking for a vehicle to protect that. We do not want people coming in to use it just to save money.

- Smith, Rick:** Again, I'm kind of glad we went through this little exercise and that Ivan spoke. What I'm hearing is that there seems to be very little support for the Conservation Subdivisions. A motion might be in order that the Steering Committee does not support the Conservation Subdivision concept. We would rather retain existing clustering policies and fix what may be broken. The reason I'm putting this out right now is because I heard something when Ivan was talking about the process. When he listed our three options. It would be nice to support the Interest Group. Well, that's not going to happen. Maybe something in the middle, or we can reject it outright. And I think we need to reject it outright and go back to working on PRD's, Major Use Permit requirements... those things.
- Woods:** Okay, do you want to finish this discussion before you put a motion on the floor? I think it would be valuable. Your recommendation is certainly noted....
- Smith, Rick:** I don't have any problem with further discussion, but I have put a motion on the floor and it has been seconded.
- Woods:** Okay, we have a motion on the floor by Rick, seconded by Gordon, to reject the concept entirely and to retain the existing clustering policy and to look at that to see what can be done.
- Jones:** I'm in favor of the motion, but I want to bring forth some of the ills that need to be fixed. In our community plan check, it does allow that we do clustering for conservation. However, you take projects such as Cielo Norte, and then you take a project like 4S Ranch, now both of those were considered Conservation Subdivisions. And yet, what happened in those Conservation Subdivisions was, one of the things we asked the developer in Cielo Norte was give us a map showing us if you didn't cluster your project, where the parcels would be and what would it look like, eliminating those that couldn't be developed because of biological sensitivity, or steep slopes, or whatever other reason, especially habitat. They wouldn't do that! They would not do that because that meant the density would be lower, that when they finally got around to clustering they would have to eliminate probably 10 parcels, and then they would cluster from there. They didn't do that. They took the total allowable density for the entire parcel and dropped it into a clustering environment. And that's what happened as well to 4S Ranch, and that's why it looks like an urban development. And that's a big problem in our current Conservation Subdivision concept.
- Hammers:** If there is anything this group has agreed upon this morning, it's the rejection of this remainder parcel concept. The other thing that we've probably agreed upon is that having the Conservation Subdivision by right, should be out. I think it should be a tool that communities could use, but not by right. So, I would also like to see us have a motion on rejecting the by right concept. I can't make the motion yet, because we already have one on the floor, but when its....
- Russell:** Even if we do vote to say we don't want this, we still need to make the modifications to it because who says what the Board's going to approve, and the things that we don't like about it need to be fixed. There are a lot of things that stick in our craw that we need to, in my opinion, work on, and get those things at least on the table to get those things changed, if this thing becomes a fact. And

certainly, the “by right” is part of it, this “mandatory” is part of it, this “minimum development footprint” is part of it, what we can do with the open space is part of it- so I think we’ve got a lot of work to do to put on paper what might make this thing more palatable if it is jammed down our throat.

**Woods:** And I echo those comments. Certainly, the tenor of the group is against Conservation Subdivisions. That’s pretty obvious, based on the count I took. And the details and arguments need to be addressed by this group. And so, making one motion is one issue, but that’s why I think discussion later in groups can be very beneficial.

**Morgan:** My concern is always what we are going to be doing with the infrastructure on these. Are we going to be building out to different roads and having this remainder parcel, if this concept stays, and having a home, and then we’re just continuing to build into this maze of areas that can’t be maintained? We’re having problems with that in our communities right now, where we have all of these dead ends with all of these subdivisions. I don’t know if anybody else has these same concerns- what are we going to do about roads, water, all of the infrastructure problems we have? I think it’s ludicrous to look at building small clusters in 20 acre parcels all around a community- that’s just not even reasonable planning.

**Phillips:** I support the Lakeside motion because it’s the obvious answer- we have clustering available now. Mr. Holler when you were talking about the by right, the way you said it, you implied the two parts of this chart, voluntary and mandatory, that voluntary meant it wasn’t by right.

**Holler:** No, I didn’t say that, Jack.

**Phillips:** I know. I’m telling you what I perceived in the context that you said this, and indeed, as you just said, it is not a fact. That if they voluntarily want to do it, that form of development is by right, then all we’d be able to do is look at the tentative map. We couldn’t say anything about the density and we couldn’t say much about the lot size under this proposal. All we could do is talk about tentative map issues, not about the basic issues....

**Holler:** I have just one clarification. I understand where you’re going with this, except with the density comment and that is not correct. I have to clarify that. There is no change in density above that contemplated by the general plan.

**Phillips:** Understand, but I’m talking about the by right aspect of the Interest Group proposal, you’re talking about total yield from the parcel. And that is a density issue. Even in a standard subdivision, you’re kicking the density by about 25% because your not having to take away the roads and the other issues that would affect them. While I understand you don’t think that’s true, believe me, friend, it is....

**Holler:** No. You always have physical limits with respect to on-site infrastructure like roads.

**Phillips:** But in this case you won't. It will be whatever the General Plan says for however many acres. Anyways, I'm supporting the motion, and I have one more little comment to modify what they're proposing here. What we're sort of saying is, well, if you make this change and this change and this change, then it will be okay... Well, I don't agree with that. Because you got to get clear back to the basic issue of by right and remainder parcels and that's the main context of this. That's where this works for the Interest Group. So if we say if you make the minimum lot size 5 acres or 2 acres or whatever, you are saying de facto, we would support it if you did this. Even if you say "no, we don't support this" at the front end, then if you follow along and say well it would be improved if you did this, this and this. So I got a real problem with that, and it's a philosophical problem of discussion and argument. I don't think you object to something and tell someone how to improve it. I think if you object to something, you better be very straight about it.

**Tisdale:** I want to reiterate the fact that our community wants to leave our options open to deal with a project on a case-by-case basis. On every new project we have, we learn something, and we don't want to cut off our options. But I want to agree with Marie on the road issue, we have a real problem right now, County allows people to split up property and defer the road construction and stuff, so people can come in, walk away with their profit and the first person who wants to build on that first parcel is responsible for the road improvement and that could be a two or three mile road. So, at some point we need to address this, I'd like to put it on the agenda- "what to do with our rural roads". Right now we have existing laws that were grandfathered in. People are being allowed to build a house on a \$400,000 property now, and they don't have to do any real improvements or maintenance on a road that allows only one car to go down.

**Mitchell:** Anybody knows that when you cluster and put things closer together it's going to cost the guy less money. So this whole thing is about money. And I rather resent having to consider a plan that comes from the Special Interest Group, and those members, the majority of them, have the opportunity to make money on these plans if we approve. They don't have to sign a statement of economic interest, whereas we do. And yet, they have the possibility of making money. Nobody can deny that. And I think that should be brought out. I think we should not be asked to approve Special Interest plans, especially when it comes to making money. We're not here to make money for people, we're here to preserve our communities and do what the people in our communities elected us to do. That's it.

**Helsel:** I also support this motion. We do have at the present time a vehicle that will allow clustering in certain communities if they do want that clustering. I would reject the Interest proposal. What they've put into this is all the things we're rejecting, too; they want to get rid of the reduction for steep slopes, they want to put density incentives in, they want a remainder parcel, these are things we don't want as a cookie-cutter solution. So I think again I will support that motion, and again we do have a vehicle to accomplish clustering if we desire it in a community.

**Woods:** I'm going to take one last comment, from Lois, then we are going to go ahead a call for a vote.



**Jones:** Two points with regard to the offering to give them ways, if this goes through, to determine what needs to be fixed in this concept being proposed. Our plan here always has a lot of discussion when we want to reject a project. What happens if it goes through anyways? It's a big problem, but we've felt that ultimately you have to stand your ground and say, "No, we don't want this and these are the reasons why...". Not to tell them how to fix it, but then they have to go back and address things we don't like about it, and then they can fix it and bring it back to us and we can decide on it again. But to offer alternatives as a means of getting it passed- I think that's a mistake- I agree with Jack. In terms of roads, at the risk of being redundant, both Rancho Cielo and 4S Ranch were passed because they agreed to build the roads. 4S Ranch agreed to build the on-ramp to I-15, and Cielo Norte agreed to do a throughway down into Aliso Canyon Road.

**Woods:** Okay, So noted. I'd like to push it along here- we do have a motion on the floor.

**Motion to reject the Conservation Subdivision concept, and retain and improve existing clustering policies.  
Motion passes unanimously.**

**Woods:** The two other items- the remainder parcels and yield rejection for slopes, I would guess would be a similar vote, but just to have a nice, clean package here- Gordon, would you like to make a motion?

**Phillips:** I'll put a motion on the floor to reject yield reductions and remainder parcels.

**Russell:** Second. But, I'd like to add something about this maximum development footprint that needs to go away.

**Motion to reject remainder parcels, yield reductions and maximum footprint.  
Unanimous Vote. Abstention 1 – Sandy Smith.**

*Ten Minute Break.*

**Woods:** Your voice was very loud today. That's fine. I think the second part of your "no" was that you have clustering as a tool that doesn't have enough options for each community. So, what I'd like to do is proceed with the meeting after we finish our break- in the four groups we discussed and I'd like each of those four groups, with a Planner, and with Gary and Ivan floating, with minutes taken, to discuss what's wrong or right, or what can be improved with the clustering projects that exist in the General Plan today. And that will be your recommendation back to the Interest Group for their consideration to be generated from here. So, you have some work of your own to do, to decide "yay" or "nay" on clustering- what's good, what's bad, how can it be better, if there are situations in each community where it could be beneficial, what the minimum lot sizes are, etc. We will limit that to a 40 minute discussion in groups, and then we'll come back for 30 to 35 minutes and share your thoughts and decide what to do with the information.

**Phillips:** Do you mind if we reject your proposal? We're not prepared to discuss those things. If we want to discuss the current clustering policies, then lets send them out, put them on the agenda, and we can think about them, not come in here cold...

**Woods:** Well, in that case we probably don't have a whole lot more to talk about.

**Hammers:** I think its good for us to share ideas in the groups, to take back to our own communities. It could be thought stimulating....

**Woods:** Let's reconvene in five minutes and take that up.

### **III. Staff Update: GP2020 Status and Overview**

**Holler:** At the last Board Hearing in October 2003, we took what was referred to as the August '03 Working Copy Map. At that hearing the Board of Supervisors directed us to run a series of traffic models, based on different land use scenarios. Specifically, they directed us to run a model on: 1) the buildout of the existing General Plan, 2) on the August '03 and 3) December '02 Working Copies, 4) additional property referrals, 5) a land use distribution that did not include ultra-low densities of 80's and 160's, 6) a scenario that included a pipeline project, 7) and one option related to pre FCI, Forest Conservation Initiative, and some other scenarios. So we've worked with SANDAG since that time. We have had a couple of things come up since that time including the fires and a ballot proposition, but we've worked through that with SANDAG and we have some preliminary traffic runs and I'm going to go over a couple of the LOS maps with you briefly. We're still working with SANDAG to refine that, so I don't have a full range of those maps, but I will go over the ones I have. We will be returning to the Board per their direction, on May 19, 2004 to present the results from the various traffic model runs, and we will be making a recommendation on a baseline land use distribution map to begin work on an environmental impact report.

I just have two maps up here and these maps are LOS maps. When we run traffic models, we run them against different land use distributions. So what's on the left here is a build-out of the existing General Plan. Over here, is the corresponding map for August 2003. LOS maps are Level of Service Maps. They really just give a graphical depiction of how a road is functioning. We've grouped levels A-C together, which are acceptable levels of service and demonstrate relatively free flowing traffic. LOS D, E and F, specifically E and F, are considered failing levels of service. What we ran, in terms of a road network, were the on the ground roads that are built, and those roads included in our Capital Improvement Projects that will be built. We did not include paper roads in either of these two maps.

What we see, essentially, is that a number of roads in the backcountry areas are at a failing level of service under buildout conditions of our existing General Plan, compared with our August 2003, you'll see almost all of those roads are no longer failing.

I'll give you some order of magnitude numbers, or the cost difference between the two. I say "order of magnitude" because we are really making estimates in terms of what it will take to widen certain segments of roads to an acceptable level of service. We can't provide a more accurate cost estimate at this point in time because we do not have a proposed road network to base our cost estimates on. I have to caution three or four times through this, these are order of magnitude numbers- they will change. I guarantee they'll change. At this point in time, they're intended to be used only as a comparison between the different scenarios. So we'll have numbers for each of the scenarios the Board directed us to run.

So, with that we saw to improve roads to an acceptable level of service under the existing general plan an order of magnitude number estimated at 5.5 billion dollars. When we ran the same thing against the August 2003 working copy map that came out to about 1.4 billion dollars. Let me emphasize again, these are order of magnitude numbers. They are for comparative purposes only and I guarantee they will change. But they do point out a distinction between the two plans.

We did include costs for freeways, highways and County roads, but only portions of the freeways that are located within the county, such as the portion of Interstate 15 from Riverside County to Escondido. We also ran state highways only in the unincorporated area. Those are the costs associated with that. Again, they are order of magnitude numbers.

When we go back to the Board in May, 2004, we'll be reporting on each of the scenarios the Board directed us to run and we'll be making recommendations on a land use distribution that they would use as a baseline for the EIR. Once we adjourn, we have a community level maps that we'll provide you today. Our recommendation is somewhere between August 2003 and December 2002, in some areas there will be no change.

**Hammers:** I look at these numbers, and if we we're talking about reducing taxes we would have one scenario, but we're not. We're talking about that they're going to spend it on this or they're going to spend it on that. We're probably talking mostly about Transnet funds, and if they don't spend it on our County roads they're going to spend it on mass transit that doesn't go where you want to go when you need to go there, or go anywhere at all. So, my feeling is that if we're talking about a pool of money that's going to be spent regardless, let's put it into infrastructure that's going to serve the future, even if it doesn't serve 2020, rather than putting infrastructure that has proven to have been a failed program.

**Smith, Rick:** Early on in the 2020 process, the Circulation Element was one of those areas we were supposed to go through and so forth. I think some of us did. Some of us may not have, but in all the discussion in the traffic modeling none of that is being taken into consideration. Am I correct in assuming that the community level circulation element changes that were proposed are not going to be factored into the 2020 plan now?

**Holler:** No. That's not a correct assumption.

- Smith, Rick:** The reason why I ask is because I know the costs you've already gone through with the traffic modeling. To go through this again if we adopt a different circulation element is going to be rather costly as well.
- Holler:** Here's the process. We still need to work with your communities to come up with a road network or circulation element network in each community. What we did was to simply run roads that were on the ground to identify the deficits, and put some costs associated with improving those. The reason I can't give you better numbers is because we still need to do the work you're inquiring about. In fact, here is the range of options that will be available; in some cases it will be a new road segment, in some cases it will be widening existing roads, in some cases the community may make the decision to accept a lower level of service, or the community may come back and say to reduce the development potential - change the land use distribution for example, to reduce the impact on a particular road segment. All of those options are going to be discussed at some point in time, but that's essentially the work that is ahead of us. In order to get to that level of detail we have to have a land use distribution as a basis to have those discussions.
- Russell:** Did you say those order of magnitude numbers were to take the roads to at least level C?
- Holler:** What we did was run them to D. However, it's not quite that straightforward because you can't build half a lane. In some cases when you go from 2 to 4 it actually improves the LOS on a road beyond that.
- Phillips:** Are either of these maps based on buildout of the roads to the assigned Circulation Element standards that exist now?
- Holler:** They are roads on the ground, or roads in the CIP. So if the road in the CE is supposed to be four lanes, but if it's two lanes on the ground two, it was modeled at two lanes.
- Smith, Rick:** Can we get a copy of the CIP list?
- Holler:** I'm hearing it's on the website. DPW would probably have that available for you. We can also see if we can find a hard copy to mail to each one of you.
- Woods:** Okay... if I could get you to look at your calendars we would like to have another meeting approximately 4 to 6 weeks.... We're going to talk about clustering, if in fact they are going to be a tool for your community, like some of you suggested, we would like to know what is good and bad about that tool. Can it be used in your community, what minimum lot size you would like to assign to it, if in fact you want to use it or not. Information on existing policies will be included in the packet for your review, and there may be some other items of the agenda as well. We're probably talking May 8, 2004, the second Saturday? You're input would still make the Board hearing at that time, it would be part of staff presentation, but it won't make the packet.

- Glavinic:** Hearing these two maps, notwithstanding a reduction, the major north south corridors are still extremely broken. Can you give us any insight as to how we're going to get off this parking lot?
- Holler:** Larry, the short answer is, we're not. There are a number of discussions going on right now about some different regional funding mechanisms, some of them were referenced by this group today. A lot of that will depend on, not only is there going to be a future regional funding mechanism, but how much is it going to be and how the allocation of those funds will be assigned.
- Tisdale:** We have this May 8<sup>th</sup> clustering meeting, I'd appreciate it very much if you could bring the information I talked about at the Board of Supervisors meeting, regarding those of us who are in communities and how the zoning will change?
- Carmichael:** Actually, that goes back Gil's very first comment of the meeting of the Rural Limit Line or Village Limit Line, and as a group we have not done that for the rural communities yet. So, if we want that to be an item on the next agenda we can do that? We can talk some more about that.
- Woods:** I think there is not much else to discuss. Basically, I anticipated there was not going to be a whole lot of happiness with the proposal today. And my anticipation was correct. I will say the Interest Group was pretty aggressive in their approach with this. It certainly is supported today that they were. I would like to have your comments, if in fact clustering is part of your communities and you have a position, if its not part of your community in your zoning matrix, than that is your position. But be on record. So bring that back to your Planning Groups, and carefully look at it to see if there is applicability if there support in some instances.
- Pryor:** And so that everybody understands, the reason I stayed quiet today was for a specific reason. And that is because I told the Interest Group the same thing I said to this group, and that is that they are advisory to the Board and the Commission, but the Department head maintains the right to make an independent, professional recommendation. And frankly, (*holding the Interest Group proposal*) this is one of those we would not be supporting.
- Woods:** Meeting is adjourned. (approximately 11:00am).